

## Reports on the 2012 Searsport Tank Hearings, v.2

Editor's note: I did not personally attend the hearings, but have been grateful to hear about them from others. This document, a summary of the five hearings from two different perspectives, is my attempt to share details of those hearings with others who were not there or didn't have access to these perspectives. One is the emails distributed by **Thanks But No Tank (TBNT: <http://tbnt.org>)**; the other is a set of notes by an "observer" at the hearings who shared them with me. I have taken the liberty of a few minor edits and re-formatting in the Observer's text to make both the points being raised and the individual questions and answers easier to see, and have inserted a few comments (marked "ed note"); the Observer's editorial comments and characterizations are from the Observer. Also included: info about a Canadian first-responder BLEVE training manual and video which I think will give everyone (including fire depts, pause) -- Dick Atlee

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### Day 1: Monday, November 26

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#### TBNT

DCP: 'Its Not a Regional Concern'  
Have a look at the bus.

Photo of school-bus side -- RSU #20: Belfast - Belmont - Frankfort - Morrill - Northport - Searsport - Stockton Springs - Swanville

At one point early in the questioning of those who applied for "interested party" status this was the paraphrase of DCP's lead attorney. And to those in the audience who were audibly displeased, thank you for coming. Nearly all the non-Searsport parties were denied status. So, after the first day, that is where we are at; DCP Midstream though their attorneys want to shut us down and limit speech. This is why is it critical we are there all week, so if you came tonight and witnessed DCP Midstream try and ultimately succeed in getting status, thank you. For many, it probably was an eye-opener.

Tuesday night the hearings continue at 6:00 pm at the Searsport District High School (school bus pictured). DCP Midstream will begin the hearing with their presentation of the project. Following will be presentations by interested parties. Please be there to witness what DCP has to say. We absolutely need to fill every chair in the auditorium. Please come.

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## OBSERVER (Day 1)

The purpose of the first public hearing/meeting was to select those who would be granted interested party (IP) status, and determine if the proponents had met the requirements of land ownership so they could proceed with the hearings.

### Interested Parties.

The Searsport planning board (PB) lawyer says the PB has no jurisdiction over the waterway and therefore can't allow people who live across the water to have IP status. Yet they are allowing Pen Bay River Pilot Ass'n IP status, also Islesboro Island Trust. It seems that this "rule" was quite arbitrarily used as an excuse to weed out some folks and not others. It was explained that getting IP status allows one to cross examine proponents and other IP's, not just offer up opinions (which is the only option available to the general public.)

DCP objected frequently to giving IP status to, well, almost all interested parties! Certainly everyone outside of residents of Searsport. In response, many of the IP's agreed to "consolidate with" (i.e. be represented by) the group Thanks but NO TANK (TBNT), represented by a capable attorney. This includes Friends of Sears Island.

According to my notes, the following were granted IP status:

- \* TBNT
- \* Pen Bay River Pilot Ass'n - David Gelinas
- \* Pumpkin Patch Antiques
- \* Albert Hall of Angler's restaurant and Bait's motel - rep. by an attorney
- \* Islesboro Islands Trust - Steve Miller
- \* Yardarm Motel -
- \* a Searsport bookstore owner - who plans to address the market fundamentals of the project (i.e. Searsport being left with a white elephant)
- \* a woman from Liberty who is a safety and emergency management expert. They dithered quite a bit on this one but finally gave her status.

Denied were:

- \* Friends of Sears Island - stewards of the 600 acre conservation parcel
- \* a group representing retirees
- \* a guy who wants to address hiking and recreational issues
- \* a Searsport town historian/teacher who got them to promise she would go first at the public hearing
- \* a person from Stockton Springs who said Florida is the only other location of a tank this size and its exclusion zone is 2 miles, not a few hundred yards (the tank is 500 ft from route 1) and wants the board to address this
- \* a person from Cape Jellison who says her property values will be negatively affected
- \* a person from Belfast who wants the issue of venting "associated petroleum gas" (APG) addressed -- it's a pollutant in the 75 ft tall safety flare that "burns continuously"

- \* a person who wants the issue of the earthquake/fault line addressed
- \* a person from Lincolnville representing 30 other people

There is a safety/environmental impact/economics report coming at some point from a consulting firm, and the board has an "independent expert" from Massachusetts who sits up on stage with the PB. (Where is this guy from? What are his credentials/biases etc.? Who is paying him?)

### **Ownership requirements**

A pretty comically unprepared (and also boring) back and forth ensued where the proponents outlined what they have in the way of fee ownership or rights of way. Interestingly, they displayed that the pipeline from the dock to the LP tank is routed right smack through the middle of the existing tank farm, with Sprague tanks on one side and Irving tanks on the other. (Talk about a rich environment for an impressive BLEVE!). [ed note: **BLEVE = Boiling Liquid Expanding Vapor Explosion**, where a heated tank explodes, creating an instantaneous huge fireball, blast wave, and flying metal fragments, with no warning] It crosses roads and railroad tracks and finally ends up at the tank, which is right behind Angler's/Bait's. No discussion of the length of the pipeline, how the gas stays liquified the entire length, vulnerability to sabotage, etc.

(In one of the BLEVE articles it says a 40,000 liter tank requires a 320 meter "safe distance," because the fireball would be 81 meters in diameter, and fire-starting hot projectiles would be hurled much further. What should the safe distance be for this tank? 2 miles, if we follow the Florida example someone mentioned? ) [ed note: I recommend viewing the Canadian first-responder BLEVE video or manual linked from the last page, below.]

The PB finally voted that the hearings could proceed as scheduled.

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## **Day 2: Tuesday, November 27**

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### **TBNT**

#### Market Fluctuations??

Tonight, DCP Midstream had two hours to present their project to the planning board at the public hearings. TBNT has all along been asking for a 3-D scale model of the project. What we saw tonight was a PowerPoint demonstration which took photos from the June balloon test and showed them alongside other photos which had "dimension" added. Two Points: this was NOT a 3-D model (I must have left my 3-D glasses at home) and whether they were to scale or accurate is highly subjective. A TBNT member has created a scale model and it is on display at 33 East Main St. in Searsport. Please come have a look.

We heard from DCP Midstream's Senior VP of Marketing, Don Baldrige. He told us that there are fluctuations in the propane market now and the current margin is at a dollar; that is propane is now selling for a dollar more in Europe and overseas than here in the US. TBNT and IIT Attorney Steve Hinchman did an excellent job of questioning DCP's personnel and

consultants—asking questions about liability and corporate ring fencing and also the possibility the project will be turned into an export terminal. Baldrige held tight to his answer that there are market fluctuations and that in two years that it will take for construction the markets may change and it “may” be profitable to import LPG. Later in the evening, interested party member David Italiaander brought forward the common knowledge that there is a huge glut of propane in the East and with hydrofracking there will continue to be ample supplies of gas for years if not decades to come. He stated it in no uncertain terms, ‘just how many years does DCP plan on losing \$120 million dollars a year importing propane before they anticipate making a profit? We heard the DCP SVP give the same answer. A good piece on this topic appears in today’s Portland Press Herald. Please check it out when you have a moment.

<http://www.pressherald.com/news/searsport-propane-maine-storage-tank-mack-point.html>

Wednesday will be dedicated to the Fannon economic impact report and interested party presentations. Please read a copy of this report here and please submit any questions you may have.

<http://thanksbutnotank.files.wordpress.com/2012/11/fannon-report.pdf>

Here is a link to MPBN’s story on the mega-tank hearings:

<http://www.mpbn.net/Home/tabid/36/ctl/ViewItem/mid/3478/ItemId/24877/Default.aspx>

We anticipate the hearings extending to Friday night. Again, if you did come, again, thank you. If not, please come. There have been good crowds but we still want all the seats filled and don’t forget to wear your “No Thanks” stickers (free for all TBNT members and friends) or pins and as always keep a respectful tone. See you there.

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## OBSERVER (Day 2)

This was the day when we had to sit through a 2 hour uninterrupted spiel by the developers, followed by questions from the planning board (PB) and then questions from the Interested Parties (IP). Below are my notes. I apologize for not getting anyone's name right - so I made up names that seem to me to fit the person. Those involved will recognize who they are. I also apologize for coming late to the party. Much of what I want to find out has hopefully been available to the public for a long time. But maybe not.

### Developer Spiel

First up was **Patronizing Project Lawyer Girl**. She related town support for the project: it obtained a height variance to 150 ft in March 2011, a proposed moratorium was defeated 297-165 in a town meeting, and tonight she submitted a petition in support of the project signed by 612 residents. She lectured the planning board (PB) that, thank goodness, they did not need to make determinations on things like boat traffic! All these difficult things had already been approved by the state and federal agencies (Army corps of engineers, coast guard, DEP, DOT etc.) (Clever way to make the PB conform with the trend.) She then introduced:

**Marketing Man** - who explained the parent company, DCP Midstream, is owned 50-50 by Phillips and Spectra Energy. (It used to be owned by Duke and Conoco-Phillips.) DCPM has "\$2 B in assets". DCP Searsport has access to the \$1B line of credit of the parent company, more than enough for this piddling little \$50 M project. Said DCPS was not set up to help DCPM avoid liability (oh, right, OK). Said there need to be more sources of propane for use in industry, agriculture etc. (Strangely nobody yet has asked DCP if they plan to partner with other firms to develop other manufacturing industries in Searsport.) Then we were introduced to

**The Greenwasher** - a guy whose company did the environmental assessment for the DEP application. Said Searsport is part of the DOT's "3 ports" development strategy. (What are the regional impacts of this strategy? Has the public signed off on it?) Said the project meets all standards. Said the containment wall was designed to hold "more than the contents of the tank", (as if this stuff were not a dissipating gas but rather a liquid fuel like oil - but I guess that's what's required.) Then we were treated to a bloviating and repetitive...

...**Balloon man**. This guy flew five big balloons over the tank site, one at the peak height and the other four at the tank shoulders. Then he drove around to historic buildings and parks etc and tried to photograph the balloons to see if you could see the tank from those "important" vantage points.

Eventually we got to see a computer generated rendering of a few scenes based on the balloon pix, purporting to be photos with the tank in the picture. Very cute tricks they can play with computer images, as you know. They had a white tank showing its head in the midst of white clouds, and a gray tank showing its head when the background sky was blue-ish, making the tank virtually invisible. (The picture from the water shows an undeveloped stretch of land between the tank farm and this tank... could that be used for satellite industries, for example?) Finally Balloon Man and Greenwasher got to the end, saying you won't see the tank for very long as you drive around town. No note of whether or not there are aviation lights on the top of the tank. No picture of the flare. Lighting the facility at night will "only be in areas where people are working." (So will it be dark enough to sneak up on the above-ground, 2 mile pipeline, for instance?) Then we got to hear from

**Mr. Safety**. He said, amazingly, that since the Searsport zone allows a "bulk fuel storage facility" , the "issue of safety has already been answered!" Then he praised his accomplishments in keeping the company's facilities safe - very, very safe - so safe that his company has been used as a model by others. Discussed emergency shutoff technologies to be used, said a "12 inch water supply" will be installed "in conjunction with the fire department" (who pays for this and where does the water come from?) and he said although "internal systems reduce the need for emergency assistance from the outside", nevertheless they will "become the fire department's best friend" at the "local and county level", offering training and "working with them on their equipment needs" (whatever that means in terms of \$, he didn't say.) He described background checks on personnel, camera systems, security guards when the vessel is at the dock. And "we cannot reveal additional levels/layers of security, You understand why." I'm sure he was concerned there were potential terrorists in the audience of largely white-haired retirees. Following Mr. Safety we got

**Dr. Swami Beyondanana**, who has a good time nearly self-immolating in front of cameras, to prove a point. He builds fires and stands next to them holding a radiometer and comes away unburnt. We got to see pictures of him doing these stunts. Also a lot of small-print and largely irrelevant charts. He stated flatly that a BLEVE of the MAIN STORAGE TANK was "impossible." He did not discuss the pipeline, or tank trucks, but said that rail cars have been redesigned so they can't BLEVE, either. He was infuriating, especially later during the question period.

### **Questions from the PB**

Hardly any questions - they seemed tired, overwhelmed, speechless.

Q. Were there plans in the future for export?

A. DCPS said they have not looked at it.

Q. Where is the gas going by rail?

A. Our other facilities, 40 and 80 miles away.

Q. How are they supplied now?

A. From Canada and other places.

Q. What did you think of "Dr. Fay's" analysis?

A. Dr. Swami says he has run into him before and he "always takes the dim view and never does any experiments" (like the ones Swami did with his radiometer stunts, I suppose.) I have no idea what "Dr. Fay" said or where he said it, but I think it was probably about the BLEVE-ability of a big tank.

Q. What about the fault line?

A. We've done borings, no fault line "underneath the tank" (audience chuckles), we have to design the tank to meet ASCE and other building codes/standards.

Q. What magnitude earthquake have you designed for?

A. Obfuscation, no answer.

Q. Are you flaring gas 500 hours per year?

A. The goal is to flare nothing except during tests.

Q. You plan to run this on imported propane, right?

A. Yes.

Q. Why do you think that will be profitable when it's more expensive than US propane?

A. We expect a lot of fluctuation in the price.

Q. When did you last run your economic model for the project?

A. Oh we do it all the time, we really keep track of the prices of gas and competing fuels, we really do. (PB chairman: well, I have always wondered about the economics of the project, but

it's not our job to assess your economic viability.)

Q. What about a big storm that knocks out the power supply that keeps the tank refrigerated?

A. In a recent case in Chesapeake we flared gas 10 hrs per day for 3 days, that's all we had to do. (I just read this morning that power is still out in parts of the mid Atlantic from Sandy. How many flare-days in the tank?)

### **Questions from the Interested Parties**

Now the fun began, but honestly, folks, USE THE MICROPHONE to better advantage. Toward the back, people apparently could barely hear you. The PB chair advised that questions should be directed only at Dr. Swami and Mr. Safety, since they would be leaving town tomorrow.

First up was TBNT's most excellent lawyer Hinchman. He noted that since this was the first time he had seen the presented information, he wanted the right to recall the witnesses if needed after technical review. (Was he granted this right?) Then he went to the important issue of corporate responsibility/liability.

Q. Will DCPM agree in writing to responsibility for liability as a condition of permit?

A. Much hemming and hawing. Please answer yes or no - will DCPM pay 100% of the costs if an accident happens? DCP - if the PB wants to discuss this, we will, but it's not Mr.Hinchman's job (to negotiate this.) Audience groans.

Q. Can DCPM submit on paper how they will handle insurance on the facility with Searsport as an additional named insured? Do we have copies of the relevant policies?

A. Patronizing Project Lawyer: we can provide EXAMPLES for insurance, liability, remediation bond.

Q. Will DCP commit in a binding agreement to a prohibition on export?

A. Probably not. To convert the facility for export would require a retrofit and they would have to come back before the PB. (PB chairman disputes this.)

Q. Can the 90,000 gal pressurizing tank BLEVE?

A. Dr. Swami starts his dance: "Unless you can tell me how there could be a fire I can't answer that."

Q. Well then, can the trucks and rail cars BLEVE?

A. Not the rail cars, they were redesigned to prevent that in the mid 1980's.

Q. Well, the loaded trucks? Could a series of trucks blow in a chain reaction?

A. You would have to have a sequence of events that you haven't outlined so I can't answer the question. Mr. Safety chimes in: with our "total product control system" it's unlikely because heat would have to be applied for 10 minutes and we have fire suppression. Dr. Swami states from his "overview of results" chart that the rate of evaporation of a spill declines as the ground under the spill cools, and under no circumstance could the vapor go beyond 0.11 mi.

Q. What is that in feet?

A. about 600. (beautiful setup, lawyer guys.)

A PB member asks what happens if you abandon the project mid-construction?

A. this circumstance would be covered in the performance bond (the one they hadn't discussed or offered before.)

Next up was the lawyer for Angler's/Bait's. He goes after the touted "\$2 B in assets".

Q. What do they consist of?

A. Marketing guy describes various physical assets.

Q. Any cash?

A. Line of credit.

Q. That's an additional \$1B, correct?

A. Yes.

Q. Is there an expiration date on that LOC, e.g. 4 years?

A. That would be typical.

Q. Will DCPS have access to DCPM's assets?

A. Yes.

Q. And are there other entities will access to the same \$1B?

A. Yes.

Q. So, DCPS would have to stand in line with those other entities?

A. Yes.

Q. Does DCPM have liabilities?

A. Yes, we are publicly traded and have reports.

Q. Can you provide them to the PB?

A. Yes, we have NOT SO FAR BEEN REQUESTED TO DO SO (and this project has been ongoing for years???)

Q. (for Dr. Swami) If you were in the restaurant or motel business, how close to the tank would you want to be?

A. Cannot answer.

Q. Did anyone tell you there was such a business within about 400 ft?

A. Not part of my scope of work.

Q. Your Dispersion Characteristics chart has nothing to do with the specifics of the Searsport tank?

A. Correct - it's a cartoon if you will. The actual facts would require a complex calculation.

Q. Mr. Hall's property is within the 0.11 mile. What does the 1 psi overpressure mandated in the calculation mean in terms of damage?

A. Broken glass and partially broken walls.

Q. Why are you required to make the dike as far as possible from the tank?

A. Because you don't want a fire close to the tank.

Q. Is this tank penetrable by a terrorist weapon?

A. I do not know. An incendiary device penetrating the tank would be quenched (in the cold liquid gas.)

Q. If a terrorist were staying in the motel and made a hole in the bottom of the tank, would a liquid come out?

A. Yes.

A brief set of questions on the economics of the project from the bookstore guy.

Q. How long will you operate this tank using foreign LPG? Are you asking us to believe you will invest \$50M on a project that will produce uncompetitive fuel? When was the last time you did a business analysis?

A. We have reviewed this project multiple times and we understand the spot market. (note again no probing on use of LPG as a feedstock for, say, a plastics factory.)

That's all the notes I have. The meeting adjourned shortly thereafter.

An important note about procedure. Having the public hearings so "early" in the process, i.e. before people have seen and digested the relevant documentation, results in angry people making silly arguments and looking foolish. Also, it gives the company plenty of opportunity to work the PR angle to maximize the isolation of these people and smooth over the legitimate concerns the public has. The hearings should be held only after the IIT-sponsored study is finished and publicly reviewed. At least, another set of hearings should be held after that time, and no decision rendered before that.

We should see the actual performance bond commitment, for example, and also the DEP submittal. Are all relevant documents available for public inspection in, say, the Searsport library, as good practice demands?

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## Day 3: Wednesday, November 28

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### TBNT

Appraise This...

Wednesday night at the Searsport Planning Board public hearings DCP mega-tank application we heard the presentation of Nancy Fannon who conducted an economic impact report. Attorneys for TBNT Steve Hinchman and for Angler's Restaurant, Ed Bearor shredded her presentation and methodology. Among the shortcomings illustrated by cross examination was a basic lack of a fact check on any information provided to her by town officials. As an example, in her report she cites the economic base of Searsport as small boat building and industrial businesses. Later, Nancy Fannon did admit there would be a negative effect on property value which she could not easily quantify and a negative effect of tourism. Her report can be read on the TBNT.org website under the document's page. Additionally, the introduction of the Angler's Restaurant and Bait's motel appraisal into the record is enormously beneficial to all. This really was one of the highlights tonight: this project will do unbearable and unreasonable harm to both these businesses.

Three more excellent points were made on cross examination of DCP Midstream safety and project management personnel

1. why are there no "exclusion zone" around the tank similar to LPG tanker vessels ;
2. DCP admitted in the last year there has only been ONE tanker to deliver LPG to their facility in Chesapeake, VA and
3. one of the only other rural LPG facilities that DCP operates is in Berlin, VT with total storage capacity of just 90,000 gallons. This is in stark contrast with their plans for Searsport.

We did witness an ugly response tonight of police action. The removal from the audience of a TBNT member engaged in a conversation with me from the audience was completely uncalled for and the actions of an overzealous officer. We truly hope it is the first and last time we witness this. We have spoken to the police chief and asked him in no uncertain terms for assurances for Chairman Probert to run the hearings. There was no disturbing the testimony or disrupting the proceedings in any way until the police officer took it upon himself to respond in an action which was wholly uncalled for. After this, we witnessed a massive walkout by the audience. What the member was objecting to and what we have made a point to object to is the Searsport Planning Board's consultant answering questions on DCP's behalf. This is wrong and should not continue.

### Upcoming

Thursday will be TBNT's and Islesboro Islands Trust's night to make our case. We anticipate having several panels of residents and business owners, including panels on property values, business owners, retirees, natural resources, safety and IIT among others. Please come to show your support for our cause. We ask that keep the tone respectful on all nights.

Friday will be devoted to DCP's clarification of their facility as the planning board was not entirely satisfied with their slideshow last night. It will then open up to public comment. All meeting start at 6:00 pm. Thank you for coming, especially those dedicated who we have seen all week. There are still spaces to fill, so if you have not come and witnessed, it is your time. Thanks for reading we realize there is a lot happening this week and need to communicate.

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### **OBSERVER (Day 3)**

Another subjective report. There were "fireworks" tonight, after what started out to be a sleepy meeting.

First up was the Fannon economic report commissioned by the PB. To be clear, this was NOT an analysis of this specific project. It was a meta-analysis of many other studies of impacts of various types of industrial projects, some of which hardly resemble the Tank (e.g. windmills). As Fannon herself said in response to a question, "You can get the studies to show anything you want to".

Right after she said this, the PB chairman threw her under the bus. He said that at their first meeting, "She asked me which way I want the study slanted..." (Fannon interrupted, horrified, "I did NOT!") "...and we told her not to slant it."

After her slide presentation, she was asked a lot of leading questions by DCP, to try to prove that other tanks (e.g. South Portland, a pair of tanks in Newington NH, etc) did not increase the "disamenities" of their neighborhoods. She pretty well stood her ground on these questions, saying that property values were lower in the vicinity of tanks.

Then her study was thoroughly shredded by Steve Hinchman.

Q. First he asked her for the record, "Did you or did you not offer to slant the report?"

A. "No."

For impacts on municipal services, you relied totally on representations of Town officials, no independent analysis of those impacts? Correct. (My note: the "no increased cost" statements by some of the officials ignore the increased costs that DCP has already agreed to pay, e.g. larger water main, fire department training etc. The only increased cost she identified was for 24 hour police instead of the current 20 hour force.)

Hinchman showed that after her interview with the Town emergency management official, he had written a letter saying an assessment had not been done, so the "no impact" statement was premature. Hinchman submitted that letter for the record.

In a series of questions, Hinchman demonstrated without a doubt the meta-analysis nature of her report, and the correctness of her statement quoted above ("You can get the studies to show anything you want to").

She did virtually no field work specific to Searsport. She had no knowledge of

- \* vantage points where the tank would be visible
- \* what the tax revenues were by sector (Hinchman supplied a pie chart of that data to the PB)
- \* how many small boat builders were in town
- \* the fact that truck emissions were excluded from air quality permits
- \* the size of current oil tank trucks moving through the town
- \* where the oil truckers could park in Searsport to get lunch (there were some vague references in the report to increased local business from truck drivers)
- \* what the health and safety risks were from the wind farms included in the meta-analysis (e.g. the risks do not include fire)
- \* whether the communities surrounding the tanks in the study were tourism centers
- \* what the underlying growth pressure was in those places (communities like Newington growing anyway, despite tanks)
- \* the relative risks of an oil tank versus a gas tank
- \* and more.

Her study is basically useless.

The President of Friends of Sears Island asked her:

Q. "You mentioned the (similarly sized) facility in Tampa but said it is not relevant. Why?"

A. It's away from residences and has a very large exclusion zone.

Then her study was further shredded by Lawyer Bearor (working for Mr. Hall, the owner of Angler's/Bait's).

- \* He showed her a zoning map with the industrial zone colored white, the commercial zone colored red. She admitted the DCP property is bordered on all sides by property zoned commercial.
- \* He showed that the tank is much closer to commercial property than to the existing tanks. She admitted that properties closest to the tank would be significantly affected.
- \* She admitted that Newington has discouraged building near their tanks "probably due to their hazardous nature".
- \* She admitted that the jobs provided by the Tank were estimated at 8 - 12 by the Town, and that she did not discuss jobs lost, (which in the case of Hall's businesses would be 35 to 40.)

Faced with the obvious need to justify performing this useless study, the PB chair explained that the PB had decided they needed an independent economic study not supplied by DCP or TBNT, so this was the result. He said the areas the study would address were decided by the PB. Financial liability and capacity are not one of the performance standards the Board addresses.

Q. When will these questions be addressed along with safety and environment?

A. Later, after the hearings have concluded and the Good Harbor study is received. (So there won't be hearings on that study????) It was pointed out that it is not just normal operating conditions but the extraordinary hazards that need to be considered.

Then DCP tried to convince the PB that restaurants were viable in the shadow of tanks, by showing photos of a small restaurant in Bangor right next to a tank. However, Lawyer Bearor demolished this by pointing out that the restaurant in question was in the process of relocating and another restaurant across the street from the tank had closed. Hilarious.

### **Intermission.**

The next part of the hearing was devoted to Mr. Hall (Angler's owner) and "his team", Lawyer Bearor and real estate appraiser Ted Webersinn from Surry. But first a few more questions for Fannon:

Q. Any study of how recreational use of the waterway would be affected by the exclusion zone?

A. No, the PB would have to determine that.

Q. The geometry of a moving 2 mile exclusion zone was briefly mentioned... how long would a boat have to stay out of any particular moving area?

A. No info.

Q. A PB member questioned the relevance of the Newington example, which has a nearby mall. "I have been to that mall and you can't see the tank from the mall."

A. Fannon agreed it's not really comparable.

Webersinn raised a number of additional points:

- \* The tank itself would be within 250 ft of the property line, approx. 400 ft from the back wall of the motel, and basically the only thing you would see from the back windows.
- \* There would be constant noise from tank trucks (maximum output of 144 tank trucks per day turning onto Route 1 either right or left from Station Avenue.)
- \* His real estate value analysis showed that before the tank was bandied about in local conversation, the value of the two businesses was \$897,000. After the tank, the business would not be viable due to harsh visual impact, noise, negative ratings in the various media that rate motels and restaurants, rise in casualty and liability insurance premiums. No purchaser would purchase the businesses even at a 75% discount.
- \* He had looked at property values near the Newington tanks and the Chesapeake facility owned by DCP and pointed out that in those cases the company had bought the adjacent properties. He pointed out that a motel next to the tank was a security threat - people could stay there and case the joint. The only solution was to demolish the facilities, and the just compensation figure he came up with was \$748,000.

(He did not address the loss of this popular community amenity or the jobs it created.) DCP asked to independently evaluate the results, and I think they were told they can do that. DCP

didn't mess with Webersinn.

PB chairman then said the Balloon Man and Mr. Safety would not be back tomorrow, so if there were questions for them, now was the time to ask them. Nobody asked the Balloon Man anything.

Q. A PB member asked if there had been a determination of the exclusion zone by the Coast Guard.

A. DCP not aware of it.

A. Do you know how they determine it?

A. No. A letter of recommendation by the Coast Guard says 2000 yards ahead of the tanker and 1000 yards astern and abeam.

Then there were a number of questions about perimeter fencing and security.

Q. No fence around the administration building?

A. Correct, it will be accessed using a card system. It contains the control room. The number of people is not 8 - 10 but more like 12 - 15, plus contracted security personnel.

Q. Really, 144 tank trucks per day?

A. That is the maximum mandated by the DEP, does not allow for time it takes to hook up and unhook a truck, actual peak number more like 50 - 60, but DCP not willing to guarantee that.

Q. You say DCP has never had an accident?

A. True for the 7 propane terminals in the northeast.

Q. What are the most likely accidents?

A. Failure of the connector hoses. We are using "smart hoses" that close automatically in case of failure. We have double seals on the pump.

Q. What chemicals are in the VOC emissions of the flare?

A. 80 - 85% propane, the rest ethane.

### **Police action**

Right then those of us who had nearly nodded off were rudely awakened by the Searsport police forcibly removing an old guy from the Interested Party area. It was totally baffling to the audience and apparently also to the PB. Steve Hinchman jumped to the microphone to demand that the record show the man, one of this clients, was removed as an act of censorship, and not because he was being loud or disruptive in any way. There was applause. The PB chairman admonished the crowd for the supportive outburst, said he did not request the removal, and the PB cannot control the police department. At this point, 8:50 pm, I estimate that 2/3 of the audience got up and left in disgust. They were later heard shouting "shame, shame" outside the hearing room.

The fault for the arrest lies, I believe, squarely with the PB chairman. He did not say in his opening warnings that nobody should move into the Interested Party zone to speak to anyone during the hearing (possibly because such a physical action could be viewed as some sort of terrorist thing.) He should apologize to the audience and particularly to the victim before the meeting gets underway tonight. If that was the instruction to the Searsport Police, or even part of their own determinations on appropriate protection of the witnesses or the Board, the audience should have been warned.

The rest of this report might be of interest to those who left the room in solidarity and disgust.

### **The hearing re-commenced**

Q. When is the smelly ethyl mercaptan is added.

A. It is added to the tank trucks, under a "blanket of Nitrogen" (which isn't flammable.)

IMPORTANT: Before then, the LP is odorless, all the way from the ship, to and including the tank and the loading hoses.

Much discussion ensued about where the control room was, how integral it was to the industrial process, and whether any of these essential industrial functions should be located in the industrial zone (the building is currently in the commercial zone.) Also, noise from the compressor buildings (which are tall, because a crane is needed to move the compressors around.) DCP has not yet selected equipment nor designed this building so noise levels not evaluated. Standards will be met.

Q. Where will you store the safety plan, in the admin building?

A. Cannot divulge publicly.

Q. Is there continuous monitoring of the pipeline?

A. Only when unloading, otherwise by security cameras.

Q. Contract security people? You claimed all the employees would be thoroughly vetted, trained, controlled.

A. All personnel including contractors will be "trained, controlled and generally administered by the corporate office".

Q. Is there a limit to the number of loadout racks?

A. Under present design, yes.

Q. Would you commit to that limit?

A. Cannot without permission of the DEP.

Q. Therefore, we must evaluate this facility on the basis of the DEP limit of 144 trucks per day, not your claim of 50 - 60. Can you provide us with a real maximum?

A. No.

Q. What control do you have over drivers?

A. If found to be acting irresponsibly will be banned from facility.

Q. Have you spent time trying to get across Station Ave in the summer in a large tank truck?

How big a "safe turn gap" do you need?

A. Don't know.

Q. Do you expect an occasional truck queue?

A. Yes. We would try to stage all the trucks on facility property.

Q. Can you provide a list of ALL activities and functions that will occur in connection with this tank, including where the truck waiting area would be in the commercial area?

A. OK.

Q. Are you saying you have no propane facilities in Texas?

A. No wholesale propane facilities in TX. (where there is a record of an accident, apparently.)

Q. You did not testify about any other accident scenarios other than the 10 min. spill scenario...

Q. DO YOU HAVE accident scenarios for all aspects of the operation under all conditions?

Q. Have you game-planned them and figured out your response and the responses needed from others?

Q. Have you done that work?

A. We have not completed a response plan for this facility. A "process hazard analysis" will be done as we get closer.

Q. Do you plan to submit this for review?

A. By law, WE CANNOT DISCLOSE SSI (Sensitive Security Information) to the public, only to people who need to know (e.g. fire department.)

Q. Do the SSI rules apply only to the riskiest types of facilities?

A. Not answered -- what is considered SSI apparently depends on the Coast Guard.

Q. How many of your facilities are in rural areas supported by volunteer fire departments?

A. Vermont, 60,000 gallons, and another one, with three 90,000 gal tanks.

Q. Are you the only supplier to the Maine market?

A. No

Q. Are the other suppliers competitive?

A. Don't know.

Q. Are you aware there are two LP rail terminals opening in Portland area?

A. Yes.

Q. Does your report say there is a 115 M gal/year propane market?

A. Don't know.

Q. Would it be possible to supply the Maine market with a bulk storage tank somewhere not in a coastal tourist area ?

A. Don't know.

Q. Who says you can't supply SSI to the PB?

A. We can supply it to the PB but not the general public.

Q. So, Mr. Chairman, you are embargoing that information from us? We must take it on faith?

A. Not answered.

Q. Can you guarantee that no one will never smell the rotten egg smell at Mr. Hall's establishments?

A. Not 100% guaranteed.

Q. What does he do if he smells it?

A. Call 9-1-1. It might not be from our facility. (some audience snickering)

Q. Why, if the security zone around the ship is so large on the water, is it not comparably large around the tank?

A. Ask the Coast Guard.

Q. At first the facility was to be entirely fenced, now it is not, correct? Even though monitoring and security controls are in that building?

A. Correct, it is not a security threat.

Q. We heard that shutdowns can be implemented in seconds, from the security building?

A. Yes.

Q. The pipeline - is that an integral part of the facility?

A. Yes.

Q. Would you agree that a card reader is the least secure means of entry to a facility?

A. No - there are two layers of card readers.

Q. Is there any SSI in the admin building?

A. Cannot answer.

Q. Do you concede that having the control room in the commercial zone is a violation of the ordinance, because it is an integral part of the industrial activity?

A. I do not concede that.

Planning board questions:

Q. Do you detect condensation outside the tank if the insulation isn't that good in places?

A. It is insulated.

Q. Where is mercaptan added in the process?

A. At the truck loading.

Q. Prior to that, how is a leak detected?

A. multiple leak detectors which will shut down all the valves, including portable leak detectors.

PB chair: There will be a presentation from DCP tomorrow night. "It is supposed to be an educational event for you." (Thanks so much for the educational opportunity. I can't wait.)

p.s. "disamenity" is actually a word, meaning unpleasantness or disadvantage

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### **Day 4: Thursday, November 29**

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#### **TBNT**

##### TBNT and IIT Testify

Tonight in Searsport, Thanks But No Tank had the floor at the public hearings and put on two panels. The first panel consisted of property owners who live close to the proposed mega-tank site and realtors. All spoke of the direct effect the project would have on their property values. We heard their situations how if this project is approved and built they will most likely never be able to sell their homes for what they are worth, if at all, their sense of safety and security and overall well-being. The realtor testified that clients are not looking for properties in Searsport now because of the project. Their testimony directly contradicts the site planning ordinance performance standard the applicant (DCP Midstream) must prove the project will not adversely affect property values. All will be negatively affected.

The next panel featured small business owners. We heard from a motel owner, an Innkeeper, an antiques dealer, gift shop owners, and a campground owner. All told their stories how they came to choose to live in Searsport, how their businesses are part of the web of businesses; how the Inn and campground guests visit local restaurants and shops. All spoke how their business hums in the summer with tourist dollars being spent and if some of these businesses fail then Searsport will be less desirable as a destination site. In many places the testimony was heart wrenching as we heard how so much of these people's lives have been invested in their endeavors in Searsport and how they feel this project is so out of scale and will bring real harm to them and the town. And as almost as demeaning as this process was, what was far worse was a cross examination by DCP's lead attorney. His questions designed and asked in a somewhat condescending tone, to dismiss both panels real concerns as being unreasonable were difficult to listen to without feeling outrage.

We also heard from our good friends who live on Islesboro. Steve Miller of the Islesboro Islands Trust and Select Board member Arch Gillies came along with others and discussed concerns regarding dredging and the marine environment, navigation, scenic and aesthetic and how, without question, this is a regional concern. Our friends have contributed a whole lot and we certainly appreciate all their help as they have funded the Good Harbor study for the benefit of the entire region; this is what good neighbors do. But again, we saw the same treatment from the

applicant. This behavior leads to many other questions regarding their ethics and what type of member of the community they will really be if they are given that opportunity. The planning board really should have a hard look at their past business practices and performance and not just accept the company's word.

Thank you to all the panelists for coming forward, telling your stories and speaking on behalf of so many. I am not sure how anyone in the audience could not be affected by what they heard tonight. A great crowd tonight to witness, thank you everyone for coming.

The hearings continue Friday at 6:00pm. DCP Midstream will be giving a 20 or 30 "short" presentation on their project visuals. Then it will be your time as a member of the public to speak about the project. Preference will be given first to Searsport residents, then to people from other towns. We encourage you to come and speak especially how this project will harm you. To this end, we encourage you to please visit our website, [www.tbnt.org](http://www.tbnt.org) document page and see the Searsport Planning Board's Site Planning Ordinances (section 6 page 6). Please keep a respectful civil tone which will allow you to be more effective. Thanks!

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### **OBSERVER (Day 4)**

The room was packed tonight. There was no public apology for the stupid police action last night (Wednesday). There should have been. I guess the Board thought better of having the DCP presentation tonight, but they are planning on having it tomorrow night. Hopefully it will be mercifully brief.

Still, with enough stalling questions, DCP was able to eliminate one of TNBT's presentations from the agenda. With the hour getting late, TNBT forfeited their Safety panel, deferred until January, to accommodate the Islesboro folks in recognition of how difficult it is for them to get to Searsport.

First, the PB chair emphasized that they were only halfway through the review process, and despite hundreds of letters accusing them of being pro-Tank, they did not have a position on the facility: promotion and solicitation of industrial projects falls to the Economic Development Committee. (Who are they and what were they thinking?)

#### **Panel 1**

The first panel up consisted of abutters/very close neighbors who will experience property devaluation.

- \* Several of them had tried to sell their homes without success.
- \* Several had appraisals in hand.
- \* Some realtors and appraisers told them their property would be un-sellable.
- \* In some cases, when solid buyers found out about the tank, they completely abandoned plans to buy. Just word of the project was enough to have a measurable impact on these people, and mitigation of that impact is in order.

- \* One fellow asked DCP head honcho (Mr. Marketing Man, henceforth MM), if he were to say he would happily live next to a tank like this, "I've got a deal for you!" (audience laughs)
- \* One woman pointed out that nobody has subsidized her family in their hard work of making a homestead, and "we don't want to subsidize DCP."
- \* It has never been shown that the jobs gained would even equal, let alone exceed, the jobs lost.
- \* Another said "If DCP wants to build a heavy industrial zone here in Maine, let them buy all the affected property."
- \* Criticizing the Fallon study, one pointed out that comparing a tank to a windmill was "absurd -- wind turbines don't blow up." Also, "the sad thing is this has become a divided town full of hate" over this project.
- \* The area will be forever changed, including neighboring towns.
- \* The Board was urged to "look into your hearts and consider the impacts." "We are depending on you to protect us." "We are depending on you to do the right thing by protecting our values, community and way of life." "We never would have considered buying a home in Searsport if the tank were present." "There must be a cost/benefit analysis somewhere" but we haven't seen it.

This is currently the largest industrial project proposed for the State. Just rumors of the tank have had a chilling effect on the local real estate market. How much lower will it go? A Belfast realtor related that she has not had one single request all year to show a property in Searsport, but she does have emails from several parties saying they would not consider Searsport due to the tank. She pointed out that home sales create jobs in other sectors, such as carpentry, plumbing etc. Where is the analysis of this???

A woman on the PB (the dark-haired alternate) took one of the presenters severely to task for her remarks that she felt the Board was exhibiting biased behavior, saying she "didn't appreciate" the implied accusation.

Another PB man said "I have a totally open mind and my decision will be based on the 18 points we have to vote on."

The PB chair said "I stand right in the middle."

When it came time for the DCP to ask questions of these witnesses, their team introduced themselves. Here are the places they live:

- \* Portland -- Marketing Man (MM), who asked all the questions (If I were DCP I would not use this guy in public, he's way too abrasive/combative)
- \* South Portland -- the lawyer lady
- \* Bremen -- Greenwash guy
- \* then Denver, Denver, Denver and another place I didn't catch -- I think Ohio (?)

That's 7 staff members from DCP, 3 living in Maine. The Denver woman has been moving about the hearings, smiling and chatting. What is her role? I am guessing PR mole.

MM proceeded to cross examine and harass the witnesses, trying his best to make them look ignorant and foolish. One of the witnesses roasted him pretty good; the rest at least stood their ground. MM received their appraisals, told the participants that DCP would need to do its own appraisals and therefore they should realize DCP would need access to the properties. It sounded like a warning.

PB chairman said that all documents relating to this project were available for public inspection at the Town Office, the only charge being for copying.

## **Panel 2**

Panel 2 was local business owners. The following points were raised [ed note: the grouping and separation of these points does not necessarily reflect different speakers or a single speaker; I wasn't there and am only teasing them out of a single paragraph of text for clarity's sake]:

- \* One said that a couple of years ago, tourists avoided Searsport as soon as they heard the bridge to Verona was unsafe for trucks, even though it was safe for cars, so people will not travel through a hazard zone in Searsport. (Aside: This is true: even if the real risk is small, it is the perceived risk that is important here.) The risk will be posted on travel advisor websites. "Our life savings will be lost so DCP can make a profit."
- \* One said that when the height restrictions were lifted, many did not know it was to benefit the tank.
- \* "We have seen the rest of the world and don't want Searsport to go that way."
- \* Our building is part of the history of this community and we are trying to restore it. "Tourism and industrialization are not good bedfellows." Searsport has the capability of building its economy based on its history.
- \* We cannot continue our business if it has more industrial impacts -- e.g., road noise from trucks. "The PB told us we had to close down our (noise producing) activities by 9 pm but the LPG operation is to be 24 hours?"
- \* People staying at the inn who were considering buying property in Searsport stopped looking due to the tank. "We can't bring our (historically important) shipping industry back with this tank."
- \* "Let's be friendly to the businesses that are already here, not courting ones that don't fit in."
- \* Ms. Pumpkin Patch was particularly clear. She had chaired the comp plan committee. The Plan was "carefully crafted to protect health, safety and the environment" -- the industry permitted in the industrial zone was to be LIGHT industry. DCP has incorrectly said the zone is for industrial and large commercial use. DCP has been bending the ordinance, first to get the height variation. The Plan also stressed regional cooperation.
- \* "Senator Collins has said our environment IS our economy." We are concerned about becoming an industrial place. The rest of the town will be irreparably harmed.
- \* The Grasshopper Shop owners called their business a "tourism-enhanced business" (interesting term, summer patrons allow the business to stay open year round) employing 15. People come here to escape industrialized areas. Many customers are "shocked that people in Searsport would even consider a blight on the landscape and more traffic." We do not want to live in "Tankport" which will be the town's new name.

- \* DCP wrote the height variance, they will only come in if they can bend the rules. The industrial zone is not big enough for their project so they are attempting to bend the rules again by spilling over (essential plant operations) into the commercial zone.
- \* The Town will lose 100 jobs for the 12 we gain.
- \* The Searsport Shores campground guy calculated he would lose about 3 of his 5 nights average stay, as people stop considering his campground as a destination/home base for vacation and instead just pass through. In addition they will lose special long-term events like the Fibre College. "Newington is economically depressed, why would we want to go that way? This is our tipping point". He read portions of letters from guests saying they would not visit again if the tank were built.

The PB chair emphasizes that "nobody gets a free ride" when they come to the PB for approval, and repeats that the PB does not court businesses, the economic development committee does, and the PB also does not enforce permit conditions. They are administrative only.

DCP's MM starts harassing the witnesses again.

- \* "Where in any ordinance is tourism listed as a performance standard?"
- \* "Are you aware that (Dr. Swami) testified that the radiation zone is 124 feet" not 2400 feet?"
- \* "Do you understand that a hazard zone is where emergency responders need to respond?"
- \* "There are lots of activities that involve risk, such as driving cars." (my note - this canard is as old as the hills. MM is apparently unaware of the significant difference between risks that one assumes for oneself and are viewed as being at least partially under one's own control, and risks that are imposed by others on someone who has no control over them or voluntary participation in them. The latter are far less acceptable in every instance.)
- \* "The risk of this plant is lower than the risk of driving to Angler's Restaurant". (Nice try to associate Angler's with the concept of risk! More dirty PR.)

PB chair cuts him off on this subject of car wrecks, but undeterred, he goes on.

- \* "You have said tourism and industrialization are not compatible - "Have you looked at the Searsport town webpage?"
- \* "Most of the propane activity will occur in the winter.
- \* Are you aware that the DOT determined the traffic increase is not significant?" (Yes but I don't believe it.)
- \* Searsport Shores guy admits they have been able to accommodate increased visual blight at Mack Point so far, by moving sites inland and screening, but "we have seen all your balloons."

PB chair clarifies that the Economic Development committee will continue to work with developers both commercial and industrial "but I think you have read the definition of industrial". What does he mean by that?

Another PB member says the initial ordinance change referenced the crane only (?). Property values considerations, and criterion # 18, were added in March 2012.

Steve Hinchman relates an accident with an LP bus causing Route 9 to be shut down 6 hours while the truck bled out.

Q. "With a tanker truck of 10,000 gal would it surprise you that the evacuation zone would be 1 mile for 12-24 hours? What effect would that have on your motel business?"

A. "A nightmare" (how would guests who happened to be away for the day get back to their rooms, for instance - and they couldn't contact us because we would have been evacuated.) "It would kill our business for the season." DCP-MM chimes in "there are already tanks going by".

A full scale 3 D model of the site was requested, again and apparently for the umpteenth time, and not a "60 years down the road, trees fully grown up" model.

At some point during the previous discussion, the entire room had to take a break because MM had to go to the bathroom and "was uncomfortable." No kidding, this really happened. I think it was before MM started harassing the second set of witnesses but I could be wrong.

After the business panel, DCP was allowed to waste more time by a wordy description of the DCP accident mentioned last night: bottom line, it was not in Texas and was not LP gas.

Since there was so little time left, Hinchman deferred the safety panel and Islesboro representatives were empaneled. Their points were probably not especially effective with the PB, which seems to have the idea firmly in mind that Coast Guard and regional issues are not theirs to address. (Note the coast guard has not yet defined an exclusion zone.)

Steve Miller tried to convince the PB otherwise by reference to the town plan, which incorporates 9 state policies by reference including prevention of bad industrial development, and also recognizes importance of regional cooperation and effects of one town's actions on other towns. His testimony was interim, may change with the Good Harbors study. He tried to discuss dredging and the inadequate depth to bottom at the dock, but was cut off. (The guy with the Pen Bay Pilots' Association, another IP but a proponent, questioned witnesses particularly on Coast Guard related issues but he too was cut off.) Miller said there was much evidence that the natural resources of Pen Bay are the reason people want to be here. He said the project does not meet Standards # 1, 3 and 16 (I probably have those numbers wrong!)

Further comments:

- \* A fisherman spoke of concerns re. dredging, boat traffic, loss of gear -- "same concerns as the fishermen around here."
- \* A real estate guy pointed out that Pen Bay is a world class sailing ground and people might elect to find a safer home elsewhere. This would affect 50 people commuting to Islesboro to work for the second-home dependent businesses, as well as 3 yacht yards, which will also lose billable hours while waiting for coast guard clearance as the LP ships pass. "There is no benefit to the region of bringing in DCP."
- \* An emergency medical person spoke quietly but effectively, of the fact that in her recent work with victims of Superstorm Sandy, "nobody thought it would happen to them."

Islesboro relies on the Maine State Ferry Service to "go to America", especially in emergencies when weather does not permit Life Flight to hospitals. "We need to get our patients off the island immediately, whether or not there is a large tanker."

- \* A recent resident with experience in intergovernmental cooperation said, in contrast to the notion that this is not a regional project, the applicant is relying on mutual aid from other towns, and 8 towns wrote letters to say they were concerned about the project. Searsport is allowed in its plan to consider effects on other towns. "Tourism and summer homes are highly discretionary" and the affected nearby towns can lose as well.

DCP had the last word, asking the medical person what would prevent her from simply calling up the tanker and saying they had an emergency and needed to pass? [ed note: this raises the question of whether the exclusion zone is an anti-terrorist measure or to protect other sea traffic from possible explosion.] Then he quibbled about the comment on wind turbine irrelevancy, saying "you can see them all over Penobscot Bay and they are 3 times taller than this tank and lit, and (shooting himself in the foot) "some people think they are an eyesore."

Tomorrow night will be a presentation by DCP and then, finally, a real public hearing. More hearings of various types will continue Jan 16, 17 and 18. The Good Harbor study was supposed to be finished at the end of the year, and Miller emphasized that it will be fiercely independent. My thought on that is, great that it's unbiased, but if it does not take into account the local conditions/feelings/history etc. it could be damaging. I have read, for instance, the Charles Colgan report (NOT "Colgren" as mistakenly referenced in the Fannon report). I am very familiar with the Portland visual "comparables" he cites, and have serious problems with his conclusions re. effect on tourism. It does not appear that he actually saw the site plan, and certainly not the balloon studies, and I don't think he visited the area. **In addition, the economic study does not quantify losses in valuation due to lost businesses and depressed housing prices, nor does it quantify losses in direct and secondary employment. It is not a cost/benefit analysis, just a benefit analysis.**

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### Day 5: Friday, November 30

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#### TBNT 1

Truly phenomenal.

Thanks to all the people that came, witnessed, and spoke tonight against the mega-tank in Searsport. We couldn't imagine it going any better. Truly phenomenal: we had more than 35 residents from all over the region opposed to the mega-tank, some with damning evidence, many others with proof of Searsport planning board siting performance standards unmet and many others with heartfelt words and poetry. All made excellent points. Chairman Probert did not shut down anyone with his fear of repetition. Pro-tank speakers were 4 and all were ineffectual. This was a truly great night which we want to build upon.

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## TBNT 2 (Day 5)

### Public Hearings Done (for now) Work to do

Our final tally of people who spoke at the public hearing: 40 total. 34 spoke out against the tank many with very convincing data, arguments, questions and opinions. 5 statements could be classified as pro-DCP Midstream. Among these five: one family, two adults read 3 statements and a current (although recused) member of the Searsport Planning Board. One gentlemen's statement could not be classified as pro or con.

This leaves by our count 34 members of the community (85% of speakers) speaking against the mega-tank in Searsport. Perhaps one of the most compelling statements came early in the evening when Tara Hollander, a Stockton Springs resident who lives within the US Coast Guard's "Zone of Concern" at Mack Point – closer to the danger of the proposed site than most Searsport residents -- spoke of her findings about the poor safety record of DCP Midstream. Tara had developed a significant amount of data on DCP Midstream's fines and citations for safety and environmental violations, developed after doing a considerable amount of research on DCP's safety record.

Among her findings, in 2008 the state of New Mexico fined DCP Midstream and came to a \$60.8 million settlement for 4777 emission limit violations of air quality permits over a 5 year period. Flares in that state were in violation of regulations 648 times during a 5 year period. She calmly read the rest of her very troubling research and findings and handed the board a copy of her findings and documentation. You could hear a pin drop during her presentation. We will have all of the evidence that she uncovered posted on our website shortly.

We also heard from another Stockton resident, Bruce Suppes, who worked for 30 years as a licensed officer on deep sea vessels transporting gasoline, crude oils, diesel and jet fuels. Bruce emphasized that none of the ships he worked on had exclusion zones, which speaks to the question brought up earlier in the hearings: if the LPG on these tankers is so dangerous and volatile, then why are there no federal siting specifications? And why isn't there a zone of exclusion around the mega-tank?

These were two residents of Stockton Springs bringing this information to the attention of Searsport. In many cases, Stockton Springs is a heck of a lot closer to the mega-tank than parts of Searsport. This highlights why this is a REGIONAL CONCERN.

We also heard from Searsport resident Harlan McLaughlin who called out DCP Midstream for their tactics of dividing the community and Meredith Ares spoke of the public safety and traffic issues. Belfast resident Phyllis Coehlo quoted from the Searsport planning board performance standards in siting new projects in making remarks about Sears Island birding. Arlene Jurewicz Leighton spoke of the viewshed of the mega-tank and its impact. Ridgely Fuller quoted from the 2011 annual report regarding the hazards DCP itself identifies that it will experience in their business and their own statements about not being fully insured as a limited liability company. The list goes on and on; the night wrapped up with two young Belfast residents, students at Unity College reading a letter by Unity's President Stephen Mulkey about climate change and ended

with Belfast resident Peter Wilkinson demonstrating the human footprint of the mega-tank as demonstrated by the “circle of resistance” on November 18 action photograph. The speakers came from all over the mid Coast and beyond. As we said Friday, we could not imagine the night going any better.

The hearings will resume in January 16-18 with more interested party panels, conclusions from Good Harbor Consulting and more public comment after all new information is released.

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### **OBSERVER (Day 5)**

There were considerably fewer folks than last night, and as every night, we were admonished by PB chair to stay cool. People were to queue up 10 at a time, limit their remarks to 3 min and not be repetitive. There would be no preference given to residents of Searsport. Questions of DCP were to be directed to the PB to ask, there would be no direct questioning of DCP nor could DCP question or rebut the witnesses.

First a clarification requested by DCP's MM for the record: Pumpkin Patch lady is a member of Maine Antique Dealer Association and so are 2 PB members, Mark and Cindy. (Clearly MM is probing for conflicts of interest or prejudice.) Mark said we have never discussed the project in meetings. Cindy clarified that the Searsport Antique Dealers take no position on the project or anything "political", they are a separate entity from the Maine Antique Dealers, and all they do is make up an annual brochure.

#### **Project overview by Mr. Greenwash**

- \* He said that all info was at the Town Office and had been there for about 1.5 years.
- \* The LP comes in a refrigerator ship at about -40 deg. F, enters the transfer pipe, travels through the tank farm, goes under Station Ave to the tank.
- \* Tank is 202' diameter, 138 height at peak, 102 ft at vertical wall, containing 22.7 x 106 gal LP.
- \* It will be maintained at a temp of about -42 deg F by recirculating the boil-off vapor into a refrigeration building 65ft x 45 x 50 ft high containing three compressors, then routed to a cooler/recondenser and back to the tank.
- \* In periods of prolonged power outage the boil-off vapor is routed to a 28 inch diameter, 75 ft high emergency flare.
- \* To load the trucks, LP is routed to propane fired heaters which warm and pressurize it.
- \* To load the rail cars, there is a separate set of the same apparatus is in a different location.
- \* There is a 90,000 propane tank near the rail loading area that serves (both?) heaters.
- \* There are 3 load-out racks for trucks and 3 for rail cars (?).
- \* Surrounding the tank is an earth berm, supporting masonry walls, and the containment area slopes toward a sump. "Vegetation cannot be allowed to grow in the containment area due to fire risk" so it is gravel or stone.
- \* The administration building is for employee use, the motor control building is separate and near the warming building.
- \* As the rail cars and tank trucks are loaded, ethyl mercaptan is added.
- \* There is an emergency fire pump and (in the control building) an emergency generator, both

diesel fired.

- \* Trucks exit on a road that apparently is not Station Ave, it's much closer to Angler's from what I could tell. The ordinance requires a 20 ft buffer between industrial facilities and any residential lots that happen to be in the industrial zone, so they have plans to plant trees. In response to concerns, they have recently added a 20 ft tree buffer on the side of the property facing Bait's.
- \* Then he showed 2 pictures, an aerial photo with the facility drawn in, and a view from some unspecified elevation looking east with part of the facility photoshopped in.

## **The public's turn**

No way could I get names, but I tried to record towns they lived in and usually whether M or F.

1. Searsport, F -- Teacher and historian. Quotes Boston Globe of 1945. Searsport at that time shipped dangerous material for WW2 , as "to endanger a large city population is too great a risk. Searsport has a small population." Searsport has already been asked to put its safety at risk when necessary. We shouldn't be asked again. (and, I add, it's not even necessary this time.)
2. Searsport, (I think), M -- What's not being said is how language is being used to control thought. We are not here just to speak, we are here to be heard. What could be said in a few words is buried in piles of paper. The masters of manipulation are the lawyers.
3. Stockton Springs, F -- Presented a devastating pile of safety research on DCP - scores of violations and large fines (also guilty in a racial discrimination lawsuit.). She had all the details and documentation, and gave it to the PB. Very, very impressive. Their facilities are not perfectly engineered nor maintained. Small leaks and accidents lead to bigger accidents (the domino effect.). She cited catastrophic failures in Qatar, Mexico, Russia. The Journal of Loss Prevention says tank accidents DO occur. "We should review this proposal with the assumption that accidents happen and then look at their track record."
4. Stockton Springs, M -- Engineer with 30 yrs as licensed officer sailing on oil tankers. DCP would like you to believe there is no difference between an oil tanker and an LP tanker. No oil tanker he sailed on was required to have a safety zone around it. Background checks did not prevent a guy from (here he cited a famous recent case of an employee going berserk and causing industrial mayhem, but this morning I can't remember what it was!). The reasons for the 2 mile buffer zone around the tank in FL are outlined in the material he handed to the board.
5. Swanville -- Still have the same questions as at the beginning. Why would any beautiful town want to welcome such a potential disaster? Where is the common sense?
6. Searsport, M -- Videographer. Praises PB for exemplary behavior. Hysteria - "The fear campaign is not supported by the facts." Lengthy description of his experience in the chemical industry. Respects the ability of industry to "do the right thing and make a profit". Searsport should be free to plan its future w/o external influence by stakeholders. (yes he said stakeholders - so why does he think they are external?)
7. Belfast --Would be sad to lose the character of Searsport. Tank is too big and lot is too small. Potential for disaster. Thank you for waiting for the "Safe Harbor" report.
8. Freedom, F -- Searsport's "Tankinstein" project just contributes to global warming. There are no clean fossil fuels. Coast will be drowned. We have to make a big series of small choices.

Have heard nothing about moral imperatives.

9. Belfast, M -- Has a gut feeling there will be many more people hurt than benefit.
10. ?, F -- Searsport Shores visitor of 15 years. Don't want to see such a beautiful place ruined by this development.
11. Appleton -- We will be in the incineration zone. BS chemistry from UNH. Cites worst-case, theoretical scenario of 5 x 10<sup>9</sup> gal propane fire (gas phase, atmospheric conditions.) 3000 - 4000 deg F melts steel, and would ignite the 55 M gal fuel in the tank farm. A propane fire cannot be put out with water or foam, need CO<sub>2</sub>. What is the emergency plan? Searsport fire dept person said it would have to be allowed to burn out. It's heavier than air. Listed many reasons the tank could ignite: airplane crash, lightning strike, prolonged power outage, etc.
12. ?, M -- Whistleblower. Helped build a retaining wall around a Bangor Hydro tank when he was 29 years old because "some idiot was building fires under the tanks and shooting at them." (aside - Looking for BLEVEs, I saw a cheerful video on youtube of two young rednecks having fun in a sand lot blowing up a small Coleman tank with a fire and a gun. They managed to avoid getting a Darwin award.) There are many parallels between nuke plants and LP tanks. The DCP tank "has to be kept colder than a Maine winter". No one has asked what happens when an ice storm knocks out power for 3 weeks. How big does the flare have to be under that scenario? All tanks leak. All containment fails. The question is not whether but how soon? Can we trust the conscience of DCP to tell us? Of course not. Also, rebellion is always part of the picture when you have employees. Diesel fuel might combine with the LP under certain conditions to explode. He had more, but had exceeded his time by quite a bit. (note, in almost no case was anyone cut off after 3 min., and later the # minutes seems to have been extended to 5, nominally.)
13. Bayside in Northport, F -- First wondered how could any small town approve such a thing, now understands the PB is in a process and hasn't decided yet. A 20 ft tree buffer isn't much. We could see the balloons. Thing looks like a giant industrial marshmallow, quite a lot bigger than the existing tanks. Wants to see Dr. Swami's vapor cloud drawn onto the site plan. How far out would the volatility extend? Her new office is in the red building right across from Light's. Used to work for Athena Health in Belfast, which has created hundreds of jobs without hazards, trucks, impacts. Have never experienced distrust of that company, cannot say the same for DCP. Requests that Searsport amend its review procedures so that there is some definitive way to have regional review of big projects that clearly have regional impact.
14. Searsport, F -- Lives close to tank. Most people who moved here knew this was a working town, need good schools and therefore a good tax base, resents people coming "from away" who seem to think residents are not smart enough to make their own decisions. (Admonished by PB chair as being confrontational.)
15. Belfast, M -- Designed fuel leak monitoring systems for Vandenberg AFB, tried to predict how leaked fuel would travel so the right evacuation plan could be implemented, found it too difficult to model winds. "When I was young I had a big ego" and thought things could be perfectly safe. Cited Shoreham nuke plant that was mothballed because of impossibility of evacuating the area. "What's democratic about a small group of people putting in a project and profiting while others bear the risks?" Has seen PR people operate, telling people all to relax, everything will be ok.
16. Searsport, M -- Family in Searsport for centuries, homesteads "up back" where many residents are not in favor of this project but also not in favor of coming to meetings and

saying so. DCP is untrustworthy. e.g still no model, sneaking through the height change. "The first thing DCP did was fan the flames of division. That's untrustworthy." Our ordinance says our industrial zone is for light industry. How could the largest tank known to man be "light"? DCP wants us to think this is a done deal. 40 jobs lost at Angler's for 12 gained. "Is DCP going to bring chowder to our Town meetings?" "If you turn this down, you will be applauded by hundreds, vs single digits" (if you approve it.) "Look for projects with shared prosperity." (Audience applause)

### **Intermission.**

Upon reconvening, PB chair says this is a public hearing process and the public will be heard, if not tonight, then Jan. 16, 17, 18.

17. Belfast, F -- Rep. Erin Herbig. Works on economic development in state legislature. Principles: people know they can't always get what they want and are able to compromise, a policy that is pushed through quickly always backfires, community support is vital, there is a lot of pressure to develop the waterfront. "I do not support this tank. This is not it, we can do a lot better."
18. Searsport, F -- Searsport does not have responsibility for Rte 1, but has almost 2x the chance of road accidents than the average community. Rte 1 must be revised before further developing Mack Point. It's size and weight of trucks that are a problem, not driver training. Citizens could be evacuated for hours or days, tourists have a choice to go elsewhere. Mentions a June 2012 (MDI?) 6 hour closure, a Feb 2012 (Bennington) 12 hr road closure, a NY 24-36 hour closure with a 5 mile no-fly zone and 100 homes/businesses evacuated.
19. ?, F -- Concerns about hazards from all aspects of the facility, ship, pipeline, tank, trucks. All of Searsport is within the evacuation range. Cites Toronto domino effect explosion, started with 2 trucks, 12000 residents evacuated. An Italian railroad tank explosion. "By definition an accident is something no one thinks will happen. It just takes one thing, and you will regret it forever."
20. ?, M -- After a disaster there is a commission to see why. The chair of the Japanese commission investigating Fukushima wrote the following universal principles: 1. Accidents that are considered impossible do happen (2) We do not see what we don't want to see (3) Consider every possibility and make full preparations (4) we must recognize that there are flaws in human thought.
21. Belfast, F -- Teaches a climate change class. PB: when you wake up at 3 am thinking about this project, think about future generations. This presents a long term danger. Was involved with the Passamaquoddies, desperate for jobs, as they took sides over the LNG proposal. Once the company discovered the project was un-economic, they left, and the community is still healing. Cites other filthy PR campaigns (smoking is ok, etc.) Colleges are going to start divesting from petroleum under student pressure. We have to stop burning fossil fuel.
22. Searsport, F -- Works at marine museum, not representing them officially. "No tourist is going to research whether the tank has smart hoses." People find out about vacation destinations on the internet. I would not have bought a home here in 2001 if I had known about this tank, I'm 1.5 miles from the site and won't sink any more money into renovations. "I don't want the only reason I don't leave town is because I can't!"
23. Searsport, ? -- This country is about "we, the people." The majority of the people in this tank

- zone are against this project. I hope the PB will consider people.
24. ?, F -- gave up her time to #12 so he could finish. He's at theseaweedman.com. He scouts for kelp in the dark during April, May and June. At no time has any representative of the coast guard or homeland security ever come up to his boat to ask him what he's doing. Also, as a respiratory therapist, has watched personality changes when oxygen lowers. Searsport would become a target for unbalanced individuals, and become "Seared Port".
  25. Searsport, F -- Quotes a risk page from DCP's annual report. Extremely effective presentation, gave a copy to the Board.
  26. ?, F -- Bird watcher on Sears Island. Application says there will be no impacts, but industrialization will have negative effect on birds.
  27. Searsport, F -- We can see the tank farm and the hundred ships that serve it. Honest efforts by proponents have been derided. Whoever can provide hard evidence to back the following claims will earn respect. The sun will rise every day and she hopes it will rise over DCP tank. Reads rambling letter from son. The claims she wants backed include: DCP does not have expertise to build/maintain this facility; tank trucks are rolling bombs; homes will not benefit from cheaper fuel; facility will be seen "from outer space"; selectmen and PB need outside assistance; self-appointed local experts are better (than professionals hired by the company); citizens of the world need to help Searsport; people with credentials are better able to evaluate the project than people from Searsport. Wow. What a caricature.
  28. Searsport -- resident of Station Ave and member of PB. Rambling, barely audible, worked in petroleum industry, complains that Lawyer Bearor did not divulge that the restaurant/take out he said was leaving the shadow of the tank in Bangor was not actually relocating but developing a second restaurant. Complained that one of the witnesses against the tank had a propane truck in her yard because her husband drives it.
  29. Searsport, F -- Questions DCP integrity, citing a representative said in a TV interview that there was a lot of community support and Searsport voted for it. This was a blatant piece of propaganda. DCP has used robocalls and paid petition signature gatherers (?). She came from New Mexico and is very aware of the \$60.8 Million dollar fine DCP paid due to air quality violations. They are an organization without good integrity.
  30. Searsport, F -- Mill worker. We should have light industry, this is too dangerous and we don't need it. We can't provide all the emergency services. I don't want to move out of town, but will if this project is built.
  31. Charleston, M -- Former resident, machine shop guy. Urges denial. The history of propane safety does not include tanks of this size, they are too recent. Not against propane or large tanks, just against siting them in a small town. There will eventually be a catastrophic failure somewhere. If it happens anywhere, not even Searsport, it will have a devastating effect on Searsport as soon as the disaster is common knowledge.
  32. ?, M -- Describes Buncefield disaster (England). Involved about 70 million gallons of various fuels. (Mack Point has 50 to 70 million gallons of various fuels.) The fire went on for 3 days and involved 500 firefighters. Foam had to be airlifted in. A "minor modification" of the DEP permit allowed the pipeline to snake through the existing tank farm. The PB has the responsibility to see that we are protected It is absurd to think we have the ability to protect ourselves against such a scenario.
  33. ?, F -- Dissatisfied with visual representations, did some pictures on [www.heywhatsthat.com](http://www.heywhatsthat.com) which she gave the board, also cited sections of the review ordinance that are not met.
  35. Searsport, M -- All industries promise to operate safely. It's not a question of if accidents

happen, it's only when and where. The plant will contribute 180 TPY of acid rain and greenhouse gasses. The "no action" alternative eliminates the problem. DCP lack of transparency from day 1 - e.g. no scale model. They have consistently tried to prevent town input and denied that it is a regional project. There are 2 other suppliers in Maine already with bulk storage capacity. WHAT is their hidden agenda? Export?

## Overtime

Although the hearing was supposedly to end at this point, the Board voted first to allow two college students to speak, then voted to allow the next 5 also to speak.

36. Belfast, F -- Unity college student. Read a letter from the President of Unity College (?).  
Global climate change. Putting this plant on the coast is putting it in risk of a storm surge and rising sea levels. LPG enhances climate change, at best it is a transitional fuel. The plant will be abandoned in 3 -4 decades and will be a long-term liability.
37. Rockland, M -- Questions dredge sediments, toxicity not tested, unless we force DEP to deny it, the dredge spoils will go to a dump site that is destroying fisheries. Takes the videographer (# 6, a project proponent) to task, noting not a single recording of the hearings has been on community radio. "Hiding the truth is another form of propaganda."
38. MDI, F -- Poetically written statement re moral imperatives and the Passamaquoddy experience. What is done to one is done to all. Corporations are adept at divide and conquer. Was cut off as too long.
39. Belfast, M -- treasurer of Arts for All. Our motto is vacationland, Ecotourism should be our #1 industry, we are uniquely positioned as an unspoiled environment next to a large population center. A good rant on corporate greed, then says "I'm Irish, and we have something called Murphy's Law." Audience appreciatively chuckles.
40. ?, F -- Questions directed to PB for DCP to answer: about the sump, about propane fires (?), whether there will be condensate tanks, and is this propane truly going to be used for Maine homes and businesses?
41. Belfast, M -- Was a commercial photographer of commercial and industrial subjects. The models we have seen are "so woefully inadequate as to be almost criminal." This room is 50 ft wide, the tank will be 4 times wider. The tank will be 7 times higher than this ceiling.

Adjournment close to 10 pm. That's the wrap to date. Unfortunately, some of the compelling presentations were hand written notes not handed in, so their remarks will only be captured by the court stenographer. In the case of people who had to abbreviate their remarks (e.g # 38), their thoughts will probably be lost to the process. I wish people could be coached somehow on how to make their passion impossible to ignore.

# Canadian First Responder BLEVE Instructional Video

Produced by

Transport Canada  
Canadian Association of Fire Chiefs  
Fire Protection Canada

Based on research done at Queens University in Canada:  
<http://me.queensu.ca/People/Birk/Research/ThermalHazards/bleve/>

Description (from Transport Canada) -- The video concentrates on addressing critical safety issues affecting emergency responders by providing answers to common questions regarding accidents involving fire impingement of pressure liquefied gas tanks and BLEVEs (Boiling Liquid Vapor Explosion). Typical questions addressed include:

- What is a BLEVE and its hazards?
- What is a safe distance for emergency responders when a fire is close to a pressure tank?
- How much water is required to keep a tank cool?
- Does there have to be a fire for a BLEVE to occur?

The video sequences include 3-D animation and film footage of complete BLEVE scenarios, followed by more detailed examination of specific parameters using animated graphics.

Purchase DVD (\$9 Canadian):

<http://shop.tc.gc.ca/Thtml/ibeCCTpItmDspRte.jsp?item=66083&language=US>

Download (wmv format, 21MB, 21:50)

<http://download.isiglobal.ca/transport/BLEVE/BLEVEE-WMV128kbps.wmv>

Full brochure (29pp, charts and diagrams)

<http://www.tc.gc.ca/Publications/en/TP13649/PDF/HR/TP13649E.pdf>

View online:

Part 1: <http://www.youtube.com/watch?v=btmy5JblMOg>

Part 2: <http://www.youtube.com/watch?v=UHRoRM-flgA>

Part 3: <https://www.youtube.com/watch?v=9KJdXyIHnJE>

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The importance of all this for first responders is underlined by the events described at

[http://ncsp.tamu.edu/reports/NFPA/vapor\\_explosion.htm](http://ncsp.tamu.edu/reports/NFPA/vapor_explosion.htm)

Excellent example of a BLEVE with a visible blast wave (Toronto, 2008):

[http://www.youtube.com/watch?v=\\_\\_1Ym\\_F94CE](http://www.youtube.com/watch?v=__1Ym_F94CE)